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2012 MAY 30 PM 12:53

U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LEWINA JOHNSON,

Plaintiff

vs.

PORT IMPERIAL FERRY CORP.,  
NEW YORK WATERWAY, and  
JOHN DOE (A-Z), THE SAID  
NAMES BEING FICTITIOUS,  
THE TRUE IDENTITIES BEING  
PRESENTLY UNKNOWN,

Defendants

CV 12 - CIVIL ACTION NO.:

2705

COMPLAINT  
AND JURY DEMAND

Plaintiff, Lewina Johnson, residing at 1087 Carol Street, Apt. C-6, Brooklyn, New York, complains of the defendants and says:

FIRST CAUSE OF ACTION

FIRST: The plaintiff is a resident of 1087 Carol Street in the City of New York, Kings County, State of New York, and are citizens of the State of New York.

SECOND: At all times hereinafter mentioned the defendant, Port Imperial Ferry Corporation, is a New Jersey

corporation with a principle place of business in Weehawken, New Jersey.

**THIRD:** At all times hereinafter mentioned the defendant, New York Waterway, is a New Jersey corporation/entity with a principal place of business in Weehawken, New Jersey.

**FOURTH:** That there is and at the time of the accident hereinafter mentioned, there was a diversity of citizenship between the plaintiff and defendants herein. The matter in controversy exceeds, exclusive of interest and costs, the sum of Seventy Five Thousand (\$75,000.00) Dollars.

**FIFTH:** The matters herein having occurred aboard a duly commissioned vessel in navigation and/or while said vessel was in navigable waters and within the territorial waters of the State of New York the rights and liabilities of the parties are governed by maritime law and this action is properly brought in this Court under the provisions of 28 U.S.C. Section 1333.

**SIXTH:** At all times hereinafter mentioned the defendants, Port Imperial Ferry Corp. and New York Waterway were the owners of a ferry vessel known as Abraham Lincoln.

**SEVENTH:** At all times hereinafter mentioned, the defendants, Port Imperial Ferry Corp. and New York

Waterway, operated, managed, supervised, maintained and controlled the ferry vessel Abraham Lincoln, and was the employer of the Master, officers, and crew of said vessel.

**EIGHTH:** At all times hereinafter mentioned the defendants, Port Imperial Ferry Corp. and New York Waterway, owned, operated, managed, supervised, maintained, and controlled a certain gangway and other appurtenances/walkways to the vessel, Abraham Lincoln.

**NINTH:** On or about June 3, 2009, the plaintiff, Lewina Johnson was a passenger embarking aboard the aforesaid vessel located at the 38<sup>th</sup> Street Pier, New York, New York.

**TENTH:** On or about June 3, 2005, while the plaintiff was embarking on the gangway/walkway of the aforesaid vessel, suddenly, due to the negligence of the defendants, their agents, servants, and employees, and by reason of the defective condition of the gangway and its appurtenance plaintiff was caused to fall.

**ELEVENTH:** As a result of the negligence of the defendants, the plaintiff, Lewina Johnson, sustained personal injuries with resultant medical expenses; loss of income and reduced earning capacity; pain and suffering; an interference with the ability to engage in active pursuits and an impairment of the quality of life.

WHEREFORE, plaintiff, Lewina Johnson, demands judgment against the defendant, Port Imperial Ferry Corp. and New York Waterway, jointly and severally on the First Count for damages, in the amount of Five Hundred Thousand (\$500,000.00) Dollars plus interest and costs of suit.

**PLAINTIFF HEREBY DEMANDS A JURY TRIAL.**

JAVERBAUM, WURGAFT, HICKS,  
KAHN, WIKSTROM & SININS, P.C.  
A Professional Corporation  
Attorneys for Plaintiff(s)

BY:

  
JORDEN N. PEDERSEN, ESQ. (JP-7681)